

E-00000A-02-0051
E-01345A-02-0822
E-00000A-01-0630
E-01933A-02-0069
E-01933A-98-0471

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May 1, 2002

Nancy Cole, Supervisor
Document Control
Arizona Corporation Commission
1200 W. Washington
Division: Hearing
Phoenix, AZ 85007

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AZ CORP COMMISSION
DOCUMENT CONTROL

Re: Docket No. E-00000A-02-0051
In the matter of the Generic Proceedings Concerning Electric Restructuring

Dear Ms. Cole:

Enclosed for filing in the above-captioned proceeding are the original and fourteen (14) copies of the Response to Tucson Electric Power Company's Position Statement. Also enclosed are two additional copies to be conformed and returned to our office in the self-addressed, stamped envelope provided for your convenience.

Please let me know if you have any questions, and thank you for your assistance.

Sincerely,

Lawrence V. Robertson, Jr.

LVR:cl
enclosures

Arizona Corporation Commission

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Attorneys for Southwestern Power Group II, LLC

BEFORE THE ARIZONA CORPORATION COMMISSION

WILLIAM A. MUNDELL
CHAIRMAN
JIM IRVIN
COMMISSIONER
MARC SPITZER
COMMISSIONER

IN THE MATTER OF THE GENERIC) Docket No. E-00000A-02-0051
PROCEEDINGS CONCERNING ELECTRIC)
RESTRUCTURING) **RESPONSE TO TUCSON**
) **ELECTRIC POWER COMPANY'S**
) **POSITION STATEMENT**

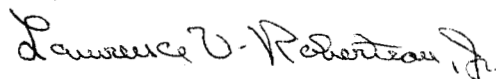
Southwestern Power Group II, LLC et al., ("SWPG") hereby responds to the April 30, 2002 Position Statement filed by Tucson Electric Power Company ("TEP") in the above-captioned proceeding. There are three aspects of the Position Statement which SWPG desires to address.

First, SWPG believes that the Commission should issue an order in Docket No. E-01933A-02-0069 formally staying the conduct of further proceedings in connection with TEP's Request for Variance pending the completion of any proceedings in the instant docket in furtherance of the Commission's April 25, 2002 decision in Docket Nos. E-00000A-02-0051 and E-01345A-01-0822. Second, SWPG agrees with TEP that any stay issued in Docket No. E-01933A-02-0069 should apply

1 to all procedural activities and dates, including the current May 7, 2002 date for filing Intervenor
2 testimony. Finally, in the event the Commission has not rendered a final decision on the transfer of
3 generation assets and market power issues by August 1, 2002, the questions of whether and how it
4 should resume consideration of TEP's Request for Variance can be considered at that time.
5

6 DATED: May 1, 2002.

7 Respectfully submitted,

8 

9 Lawrence V. Robertson, Jr.
10 Attorneys for Southwestern Power Group II, LLC
11

12 Original and 14 copies mailed this
13 1st day of May, 2002, to:

14 Docket Control
15 Arizona Corporation Commission
16 1200 W. Washington
Phoenix, AZ 85007

17 Copies Faxed this 1st day of May,
18 2002, to:

19 Lyn A. Farmer, Esq.
20 Chief Administrative Law Judge
21 Hearing Division
22 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

23 Christopher Kempley, Esq.
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See attached Service List

QY